

REMARKS

In the Restriction Requirement mailed August 2, 2006, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-11, 37-47, 73-83 and 109-112, drawn to a network based commerce system including a processor coupled to a memory to cause and adjust a fixed price offer associated with a listed item during an auction, classified in class 705, subclass 26.
- II. Claims 12-14, 48-50, 84-86 and 113-115, drawn to a network based commerce system including a processor coupled to a memory to cause to publish a buyer proposal price in connection with a listing for an item during auction, classified in class 705, subclass 26.
- III. Claims 15-22, 51-58, 87-94 and 116-119, drawn to a network based commerce system including a processor coupled to a memory to cause to adjust a reserve price associated with a listing of an item during auction, classified in class 705, subclass 26.
- IV. Claims 23-26, 59-62, 95-98 and 120-123, drawn to a network based commerce system including a processor coupled to a memory to facilitate a request for an adjustment of a reserve price associated with a listing of an item, the request to be sent to a seller of the listing, classified in class 705, subclass 26.
- V. Claims 27-30, 63-66, 99-102 and 124-127, drawn to a network based commerce system including a processor coupled to a memory to facilitate a request for an adjustment of a fixed price offer associated with a listing of an item, the request to be sent to a seller of the listing, classified in class 705, subclass 26.
- VI. Claims 31-32, 67-68, 103-104 and 128-131, drawn to a network based commerce system including a processor coupled to a memory to automatically designate a bidder to be a winner of a listing for an item upon adjusting a fixed price offer, classified in class 705, subclass 26.
- VII. Claims 33-34, 69-70 and 105-106, drawn to a network based commerce system including a processor coupled to a memory to automatically designate a bidder to be a winner of a listing for an item upon adjusting a predefined reserve price, classified in class 705, subclass 26.

VIII. Claims 35-36, 71-72 and 107-108, drawn to a network based commerce system including a processor coupled to a memory to automatically notify automatically a relevant party when a proxy bid and a reserve price are within a predetermined proximity of each other, classified in class 705, subclass 26.

Applicant elects, without traverse, Group III - claims 15-22, 51-58, 87-94 and 116-119. Applicant respectfully cancels Group I - claims 1-11, 37-47, 73-83 and 109-112, Group II - claims 12-14, 48-50, 84-86 and 113-115, Group IV - claims 23-26, 59-62, 95-98 and 120-123, Group V - claims 27-30, 63-66, 99-102 and 124-127, Group VI - claims 31-32, 67-68, 103-104 and 128-131, Group VII - claims 33-34, 69-70 and 105-106, and Group VIII - claims 35-36, 71-72 and 107-108 without prejudice or disclaimer, and reserves the right to reintroduce them in one or more Divisional applications at a later date.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/750,052

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Title: METHOD AND SYSTEM TO ADJUST A SELLER FIXED PRICE OFFER

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Dkt: 2043.036US1

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

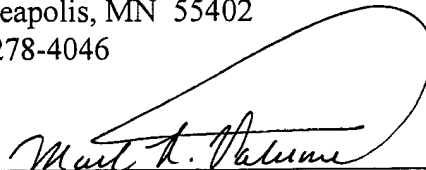
BRIAN GROVE ET AL.

By their Representatives,

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Date 9.19.2006

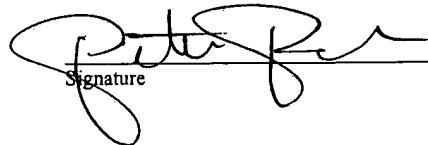
By



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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19 day of September 2006.

Peter Debutto
Name


Signature